

1702521-Court-A-U.S.
GRIEG R ALLEY
ALLEY REGISTER MCEACHERN
701 N 4TH STREET
WILMINGTON, NC 28401-3415

IN RE
SHAUN ERIK ASHLEY
PO BOX 83

WINNABOW, NC 28479
SSN or Tax I.D. XXX-XX-3978

U.S. Bankruptcy Court
P.O. Box 791
Raleigh, NC 27602

Chapter 13
Case Number: 17-02521-5-SWH

NOTICE OF MOTION FOR CONFIRMATION OF PLAN

Joseph A. Bledsoe, III, Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 10/30/2017, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court
PO Box 791
Raleigh, NC 27602

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addressses:

Debtor(s):	Attorney:	Trustee:
SHAUN ERIK ASHLEY	GRIEG R ALLEY	Joseph A. Bledsoe, III
PO BOX 83	ALLEY REGISTER MCEACHERN	P.O. Box 1618
WINNABOW, NC 28479	701 N 4TH STREET	New Bern, NC 28563
	WILMINGTON, NC 28401-3415	

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: September 28, 2017

Joseph A. Bledsoe, III
Chapter 13 Trustee
P.O. Box 1618
New Bern, NC 28563

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILMINGTON DIVISION**

IN RE:

CASE NUMBER: 17-02521-5-SWH

SHAUN ERIK ASHLEY

CHAPTER 13

DEBTOR(S)

**MINUTES OF 341 MEETING AND
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on June 28, 2017, or has supplied answers to written interrogatories;
2. The debtor(s) has/have complied with all requirements of 11 U.S.C §521 (a) (1) (B) and Interim Bankruptcy Rules 1007 and 4002 (b), as modified and adopted by this Court, and this case has not been dismissed, nor is it subject to dismissal, under 11 U.S.C. §521 (i);
3. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
4. That the trustee has reviewed the schedules and relative information in the debtor(s) petition and has made a determination of the disposable income for the debtor(s) in this case. The calculation of disposable income impacts what, if any, dividend will be received by unsecured creditors. The debtor(s) plan provides for payments of:

\$250.00	for	2	Months
\$269.00	for	1	Months
\$295.00	for	54	Months
	for		Months

5. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this plan;
6. Generally, and subject to orders entered hereafter by the Court, any proof of claim that is not filed on or before September 26, 2017 ("Bar Date") shall be disallowed. Claims of governmental units, proofs of which are not filed before November 20, 2017 ("Government Bar Date") shall be disallowed;
7. That the claims of secured creditors shall be paid as secured to the extent of the claim or to the extent of the value of the collateral as set out below:

a. Claims to be paid directly by the Debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#015 ONEMAIN FINANCIAL GROUP, LLC	'07 LINCOLN NAVIGATOR	OUTSIDE
#017 ONEMAIN FINANCIAL GROUP, LLC	'99 FORD F-350	OUTSIDE
#019 SHEFFIELD FINANCIAL	'15 SUZUKI DRZ	OUTSIDE
#800 ONEMAIN FINANCIAL GROUP, LLC	1260 WILLETTS ESTATES LANE SE	OUTSIDE
#802 ONEMAIN FINANCIAL GROUP, LLC	1260 WILLETTS ESTATES LANE SE- ARREARS	\$128.79 TO BE PAID BY TRUSTEE OVER LIFE OF PLAN
#820 STATE EMPLOYEES CREDIT UNION	1260 WILLETTS ESTATES LANE SE	OUTSIDE

b. Continuing Long Term Debts to be paid by the Trustee:

IF A PROOF OF CLAIM IS TIMELY FILED the claim is to be paid on a monthly basis according to the terms of the contract effective the first month after confirmation. Arrearages, if any, are to be paid over the life of the plan. Two post-petition contractual payments shall be included in the administrative arrearage claim. **The Debtor is to resume direct payments upon completion of plan payments.**
(SEE PARAGRAPH 8 BELOW)

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

c. Claims paid to extent of claims as filed (no cramdown):

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#011 FREEDOMROAD FINANCIAL	'10 ARTIC CAT 700	\$1,115.32 @ 6% TO BE PAID OVER LIFE OF PLAN
#012 STERLING JEWELERS d/b/a KAY JEWELERS	JEWELRY	\$8,398.64 @ 6% TO BE PAID OVER LIFE OF PLAN

d. Claims paid to extent of value:

<u>Creditor</u>	<u>Collateral</u>	<u>Present Value</u>	<u>Repayment Rate/Term</u>
NONE			

Pursuant to Local Rule 3070-1(b) some secured creditors may be entitled to pre-confirmation adequate protection payments.

8. **LONG TERM RESIDENTIAL MORTGAGE CLAIMS** shall be paid in a manner consistent with Local Rule 3070-2.
9. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims. With respect to claims listed below for which the terms of repayment are listed as "Surrender," upon entry of an Order confirming the plan, as modified by this Motion, the automatic stay of §362(a) and the automatic co-debtor stay of §1301 shall thereupon be lifted and modified with respect to such property "for cause" under §362(a)(1), as allowed by Local Rule 4001-1(b).

NONE

Reference herein to "Direct" or "Outside" or similar language regarding the payment of a claim under this plan means that the debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief;

10. That the treatment of claims indicated in paragraphs 7 and 9 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;
11. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

<u>Creditor</u>	<u>Property Leased/Contracted For</u>	<u>Treatment</u>
NONE		

12. That priority claims shall be paid in full over the term of the Plan;
13. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;
14. That confirmation of the Plan vests all property of the estate in the debtor(s);
15. That the attorney for the debtor(s) is requesting fees in the amount of \$5,000.00. The Trustee recommends to the Court a fee of \$5,000.00. If the recommended fee is different from that requested an explanation can be found in Exhibit 'A'.

s/ Joseph A. Bledsoe, III
Joseph A. Bledsoe, III
Standing Chapter 13 Trustee

EXHIBIT 'A'**CASE NUMBER: 17-02521-5-SWH****DEBTORS: SHAUN ERIK ASHLEY****EMPLOYMENT:**

Debtor: ASHLEY'S SEAMLESS GUTTER GROSS INCOME: \$56,400.00

Spouse:

Prior Bankruptcy cases: Yes ☐ No ☒ If so, Chapter filed

Disposition:

Real Property: House and Lot ☒ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐

Description: RESIDENCE

FMV \$80,000.00

Date Purchased

Liens \$42,525.00

Purchase Price

Exemptions \$35,000.00

Improvements

Equity \$2,475.00

Insured For

Rent \$929.09

Tax Value

COMMENTS:

Attorney Requested: \$5,000.00 (excluding filing fee)
Fees: Paid: \$631.00 (excluding filing fee)
 Balance: \$4,369.00

Trustee's Recommendation: \$5,000.00

Comments:

Plan Information:

<u>Plan Information:</u>		<u>After 341</u>		<u>Payout % After 341</u>	
Total Debts	\$89,349.72	Pay in	\$16,699.00	Priority	100.00%
Priority	\$4,369.00	Less 6.00%	\$1,001.94	Secured	100.00%
Secured	\$11,303.51	Subtotal	\$15,697.06	Unsecured	0.03%
Unsecured	\$73,677.21	Req. Atty. Fee	Incl. w/ claims	Joint	%
Joint Debts		Available	\$15,697.06	Co-Debts	%
Co-Debtor					

Payroll Deduction: Yes ☐ No ☒
Objection to Confirmation: Yes ☐ No ☒

Pending: SEE COURT DOCKET

Resolved: SEE COURT DOCKET

Motions Filed: Yes ☒ No ☐

If so, indicate type and status: SEE COURT DOCKET

Hearing Date:

CERTIFICATE OF MAILING

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Court Served Electronically

Trustee	Joseph A. Bledsoe, III	P.O. Box 1618 New Bern, NC 28563
Debtor	SHAUN ERIK ASHLEY	PO BOX 83 WINNABOW, NC 28479
799	000002 GRIEG R ALLEY 701 N 4TH STREET	ALLEY REGISTER MCEACHERN WILMINGTON, NC 28401-3415
006	000018 PORTFOLIO RECOVERY ASSOC	PO BOX 41067 NORFOLK, VA 23541
007	000019 PORTFOLIO RECOVERY ASSOC	PO BOX 41067 NORFOLK, VA 23541
002	000014 BB&T	6010 GOLDING CENTER DR WINSTON SALEM, NC 27013
001	000013 BANK OF AMERICA PO BOX 26012	NC4-105-03-14 GREENSBORO, NC 27420-6012
013	000026 LANSING BUILDING PRODUCTS INC PO BOX 1616	C/O LE TAYLOR III GOLDSBORO, NC 27533-1616
028	000035 WARREN KERR & WALSTON	PO BOX 1616 GOLDSBORO, NC 27533-1616
820	000011 STATE EMPLOYEES CREDIT UNION PO BOX 25279	ATTN: LOSS MITIGATION RALEIGH, NC 27611-5279
822	000012 STATE EMPLOYEES CREDIT UNION PO BOX 25279	ATTN: LOSS MITIGATION RALEIGH, NC 27611-5279
019	000009 SHEFFIELD FINANCIAL PO BOX 1847	BANKRUPTCY SECTION/100-50-01-51 WILSON, NC 27894
020	000010 SHEFFIELD FINANCIAL PO BOX 1847	BANKRUPTCY SECTION/100-50-01-51 WILSON, NC 27894
005	000017 CAPITAL FORD OF WILMINGTON ATTN: MANAGING AGENT	PO BOX 4069 WILMINGTON, NC 28406
008	000020 LVNV FUNDING (CITIBANK) PO BOX 10587	C/O RESURGENT CAPITAL SERVICES GREENVILLE, SC 29603-0587
003	000015 BELK	PO BOX 530940 ATLANTA, GA 30353
014	000027 LOWES	PO BOX 965046 ORLANDO, FL 32896-5046
027	000024 THE HOME DEPOT	PO BOX 9001010 LOUISVILLE, KY 40290-1010
010	000022 DISCOVER FINANCIAL CHAPTER 13 BANKRUPTCY	PO BOX 3025 NEW ALBANY, OH 43054
012	000025 STERLING JEWELERS DBA KAY JEWELERS 323 W. LAKESIDE AVE.	C/O WELTMAN, WEINBERG, & REIS CLEVELAND, OH 44113
015	000005 ONEMAIN FINANCIAL GROUP, LLC PO BOX 3251	SERVICER FOR WELLS FARGO BANK, NA EVANSVILLE, IN 47331-3251
016	000006 ONEMAIN FINANCIAL GROUP, LLC PO BOX 3251	SERVICER FOR WELLS FARGO BANK, NA EVANSVILLE, IN 47331-3251
017	000007 ONEMAIN FINANCIAL GROUP, LLC PO BOX 3251	SERVICER FOR WELLS FARGO BANK, NA EVANSVILLE, IN 47731-3251
018	000008 ONEMAIN FINANCIAL GROUP, LLC PO BOX 3251	SERVICER FOR WELLS FARGO BANK, NA EVANSVILLE, IN 47731-3251

CERTIFICATE OF MAILING

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800	000003	ONEMAIN FINANCIAL GROUP, LLC PO BOX 3251	SERVICER FOR WELLS FARGO BANK, NA EVANSVILLE, IN 47731-3251
802	000004	ONEMAIN FINANCIAL GROUP, LLC PO BOX 3251	SERVICER FOR WELLS FARGO BANK, NA EVANSVILLE, IN 47731-3251
023	000030	MIDLAND CREDIT MANAGEMENT, INC PO BOX 2011	AS AGENT FOR MIDLAND FUNDING LLC WARREN, MI 48090
024	000031	MIDLAND CREDIT MANAGEMENT, INC PO BOX 2011	AS AGENT FOR MIDLAND FUNDING LLC WARREN, MI 48090
025	000032	MIDLAND CREDIT MANAGEMENT, INC PO BOX 2011	AS AGENT FOR MIDLAND FUNDING LLC WARREN, MI 48090
026	000033	MIDLAND CREDIT MANAGEMENT, INC PO BOX 2011	AS AGENT FOR MIDLAND FUNDING LLC WARREN, MI 48090
004	000016	CAPITAL ON BANK (USA), NA PO BOX 82609	CABELA'S CLUB VISA LINCOLN, NE 68501-2609
029	000034	WORLDS FOREMOST BANK N	4800 NW 1ST ST STE 300 LINCOLN, NE 68521
011	000023	FREEDOMROAD FINANCIAL	PO BOX 64090 TUCSON, AZ 85728-4090
009	000021	CITIBANK, NA PO BOX 280	C/O QUANTUM3 GROUP LLC KIRKLAND, WA 98083-0280
021	000028	QUANTUM3 GROUP LLC P.O. BOX 788	MOMA FUNDING LLC KIRKLAND, WA 98083-0788
022	000029	QUANTUM3 GROUP LLC P.O. BOX 788	MOMA FUNDING LLC KIRKLAND, WA 98083-0788

37 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 09/28/2017.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON 09/28/2017 BY /S/EPIQ Systems, Inc.

*CM - Indicates notice served via Certified Mail